

**AN ORDINANCE BY COUNCILMEMBERS DERRICK BOAZMAN, MICHAEL J. BOND AND
"ABLE" MABLE THOMAS AS SUBSTITUTED BY COMMUNITY DEVELOPMENT & HUMAN
RESOURCES COMMITTEE**

**AN ORDINANCE, AUTHORIZING THE MAYOR OR HIS DESIGNEE TO CREATE THE ATHENS
AVENUE HOUSING ENTERPRISE ZONE; AND FOR OTHER PURPOSES.**

WHEREAS, an amendment to the Constitution of the State of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

WHEREAS, enabling legislation known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly and signed by the Governor in March 1983 and subsequently amended; and

WHEREAS, the Atlanta/Fulton County Urban Enterprise Zone Act gives the Council of the City of Atlanta authority to designate areas within the City as urban enterprise zones for housing purposes if certain conditions are met; and

WHEREAS, designation of a Housing Enterprise Zone exempts the taxable value of property within the zone only from ad valorem taxes for City purposes, but the Board of Commissioners of Fulton County, by appropriate resolution, may exempt from ad valorem taxation for County purposes the taxable value of the same property exempted by the City; and

WHEREAS, types of property may be exempted, conditions must be met by owners of private property to qualify for an exemption, period and rate of exemptions, and elections may be made by the Atlanta City Council among various types of exemptions which are specified by State law; and

WHEREAS, State law provides that an exemption from ad valorem taxation for City purposes also includes, but is not limited to, school and educational purposes; and

WHEREAS, the City of Atlanta Development Impact Fee Ordinance provides that, under certain conditions, the City may exempt development in urban enterprise zones from the requirement to pay development impact fees; and

WHEREAS, it is the expressed intent of the Atlanta City Council to use urban enterprise zone legislation as an incentive to generate private investment in areas of the City which otherwise might not attract such investments for housing construction and job creation purposes; and

WHEREAS, the conditions and qualifications of the Atlanta Urban Enterprise Zone Act, as amended, have been met relative to the creation of The Athens Avenue Housing Enterprise Zone;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS
FOLLOWS:**

Section 1: It is found by the Council of the City of Atlanta that the area in and around Athens Avenue, location of the Athens Avenue Housing Enterprise Zone is economically and socially depressed. It is further found that areas such as this contribute to or cause unemployment, create an inordinate demand for public services and, in general, have a deleterious effect on the public health, safety, welfare and morals. It is further found that these areas, as is the case with 50 Athens Avenue are characterized by no investment or under-investment by private enterprise in ventures which produce jobs, trade, provision of services, and economic activities which individually and together contribute to a healthy society. This lack of private investment and activity contributes to social and economic depression in such areas. Therefore, it is in the public interest that incentives be provided to private enterprise to invest in such areas, and that such private enterprise place priority upon the employment of those residents in those economically and socially depressed areas designated herein as urban enterprise zones.

Section 2: The Athens Avenue Housing Enterprise Zone is hereby created. The effective date of all exemptions established therein shall be January 1, 2002. The Athens Avenue Housing Enterprise Zone shall be expired on December 31, 2011. The Athens Avenue Housing Enterprise Zone shall otherwise not be abolished except as provided in State law. A legal description of The Athens Avenue Housing Enterprise Zone is attached hereto as "Exhibit A", and made a part hereof, and shall be on file in the Bureau of Planning and the Office of the Municipal Clerk.

Section 3: Twenty percent (20%) of the total units to be provided, and ten percent (10%) of the units in each housing type and bedroom composition, shall be within the ability to pay of those households whose annual income does not exceed sixty percent (60%) of the median family income for the Atlanta metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development (HUD), and as adjusted for household size in accordance with HUD procedures. For said units, the property owner shall verify each tenant's household income at the time that said tenant initially executes a lease agreement. Furthermore, the property owner, by January 31 of each year, shall submit a report to the Commissioner of Planning, Development, and Neighborhood Conservation, indicating the household income of each tenant who executed a lease agreement during the previous calendar year.

Section 4: The Municipal Clerk is hereby directed to transmit a copy of this Ordinance as well as the legal description of The Athens Avenue Housing Enterprise Zone to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon approval by the Mayor of the City of Atlanta.

Section 5: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

A true copy,

Thanda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

NOV 19, 2001
NOV 27, 2001

Exhibit A
Athens Avenue
Housing Enterprise Zone
Legal Description
(Revised 11/13/2001)

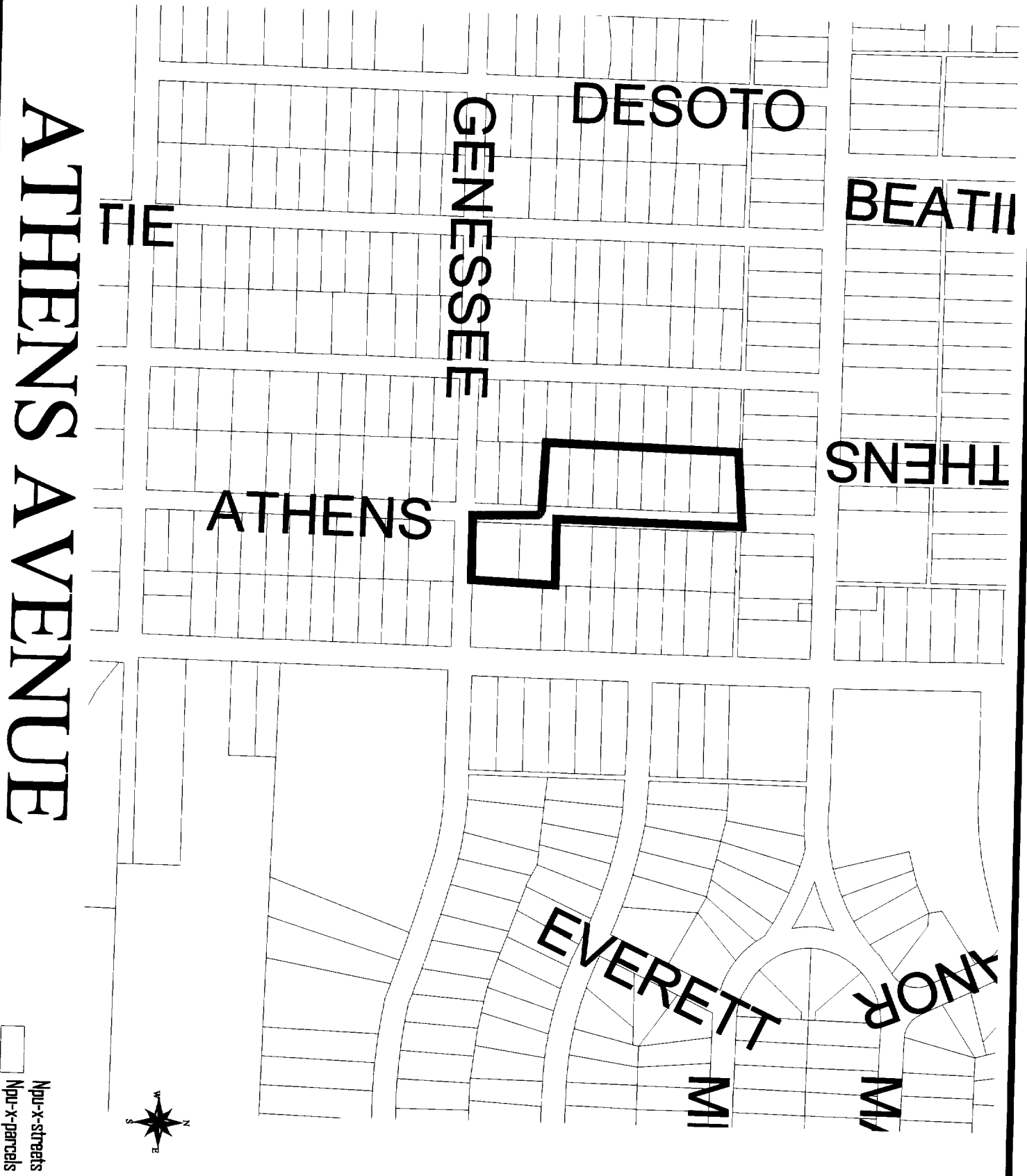
All those tracts or Parcels of land lying and being in Land Lot 105 of the 14th District, Fulton County, Georgia being particularly described as follows:

Beginning at the point of intersection of the northerly right-of-way line of Genessee Avenue (40' right of way width) and the centerline of Athens Avenue (40" right of way width); thence run along the northerly right-of-way of Genessee Avenue easterly approximately 170 feet, thence departing the rear property line run westerly along the north property line (address 1402 Athens Avenue) approximately 150 feet to the centerline of Athens Avenue; thence run northerly along the centerline of Athens Avenue approximately 375 feet; thence departing the centerline of Athens Avenue run westerly along the southerly right-of-way of public alley extended to the centerline of Athens Avenue) approximately 150 feet to the rear property line; thence departing the southerly right-of-way line of the public alley run southerly along the rear property line to the south property line (address 1395 Athens Avenue) approximately 398 feet; thence departing the rear property line) run easterly along the south property line (address 1395 Athens Avenue) approximately 150 feet as if extended to the centerline of Athens Avenue thence run southerly along the centerline of Athens Avenue approximately 145 feet to a point intersecting the north right-of-way line of Genessee Avenue said point of intersection being the Point of Beginning

Said tract containing 1.96 acres.

EXHIBIT B
PROPOSED ATHENS AVENUE
PROJECT LOCATION MAP
(REVISED 11/13/2001)

01-O-1462



ACTING COUNCIL PRESIDENT PROTEM MABLE THOMAS PRESIDED

RCS# 3295
11/19/01
5:13 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 through 17

ADOPT

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 3

Reconsidered

Without

Objection

(See RCS # 3272)

Y McCarty	B Dorsey	Y Moore	Y Thomas
B Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	B Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA

01-O-1653

01-O-1788

01-O-1789

01-O-1887

CONSENT

**ITEMS ADOPTED ON
CONSENT AGENDA**

- | | |
|---------------|---------------|
| 1. 00-O-1291 | 39. 01-R-1807 |
| 2. 01-O-1578 | 40. 01-R-1808 |
| 3. 01-O-1720 | 41. 01-R-1866 |
| 4. 01-O-1876 | 42. 01-R-1858 |
| 5. 01-O-1877 | 43. 01-R-1859 |
| 6. 01-O-1900 | 44. 01-R-1860 |
| 7. 01-O-1740 | 45. 01-R-1861 |
| 8. 01-O-1741 | 46. 01-R-1862 |
| 9. 01-O-1742 | 47. 01-R-1863 |
| 10. 01-O-1744 | 48. 01-R-1871 |
| 11. 01-O-1904 | 49. 01-R-1902 |
| 12. 01-O-1725 | 50. 01-R-1930 |
| 13. 01-O-1732 | 51. 01-R-1931 |
| 14. 01-O-1733 | 52. 01-R-1940 |
| 15. 01-O-1734 | 53. 01-R-1731 |
| 16. 01-O-1735 | 54. 01-R-1778 |
| 17. 01-O-1736 | 55. 01-R-1779 |
| 18. 01-O-1737 | 56. 01-R-1780 |
| 19. 01-O-1738 | 57. 01-R-1797 |
| 20. 01-O-1739 | 58. 01-R-1896 |
| 21. 01-O-1790 | 59. 01-R-0868 |
| 22. 01-O-1872 | |
| 23. 01-O-1888 | |
| 24. 01-O-1897 | |
| 25. 01-O-1898 | |
| 26. 01-O-1905 | |
| 27. 01-O-1697 | |
| 28. 01-O-1726 | |
| 29. 01-O-1462 | |
| 30. 01-R-1603 | |
| 31. 01-R-1781 | |
| 32. 01-R-1784 | |
| 33. 01-R-1785 | |
| 34. 01-R-1803 | |
| 35. 01-R-1804 | |
| 36. 01-R-1805 | |
| 37. 01-R-1806 | |
| 38. 01-R-1924 | |
-

01-1462

(Do Not Write Above This Line)

AN ORDINANCE

BY COUNCILMEMBER DERRICK BOAZMAN

AUTHORIZING THE MAYOR OR HIS DESIGNEE TO CREATE THE ATHENS AVENUE HOUSING ENTERPRISE ZONE; AND FOR OTHER PURPOSES.

ADOPTED BY

NOV 19 2001

COUNCIL

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☒ PERSONAL PAPER REFER

Date Referred 9/4/01

Referred To: CD/H/R

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee
Date
Chair
Referred to

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other: 9/25/01

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other: Subd.

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED

NOV 19 2001

"Mable" Mable Thomas
COUNCIL COUNCIL PRESIDENT PROTEM

MAYOR'S ACTION

NOV 27 2001

MAYOR